



# राजपत्र, हिमाचल प्रदेश

## हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

वीरवार, 03 दिसम्बर, 2020 / 12 मार्गशीर्ष, 1942

हिमाचल प्रदेश सरकार

आबकारी एवं कराधान विभाग

अधिसूचना संख्या: 72 / 2020—राज्य कर

शिमला—2, 02 दिसम्बर, 2020

सं० ई.एक्स.एन.—एफ.(10)—3 / 2020.—हिमाचल प्रदेश माल और सेवा कर अधिनियम, 2017 (2017 का 10) की धारा 164 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश, परिषद् की सिफारिशों पर, हिमाचल प्रदेश माल और सेवा कर अधिनियम, 2017 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थातः—

1. (1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश माल और सेवा कर (ग्यारहवां संशोधन) नियम, 2020 है।

(2) अन्यथा उपबंधित के सिवाय, व राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. हिमाचल प्रदेश माल और सेवा कर नियम, 2017 (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) के नियम 46 में, खंड (थ) के पश्चात् निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात्:—

“(द) नियम 48 के उपनियम (4) के अधीन विहित रीति में बीजक जारी किए जाने के मामले में, इसमें बीजक सन्दर्भ संख्या (आई. आर. एन.) सन्निहित करने वाला त्वरित निर्देशकूट।”

3. उक्त नियम के नियम 48 के खंड (4) में निम्नलिखित परन्तुक अंतःस्थापित किया जाएगा, अर्थात्:—

“परन्तु आयुक्त, परिषद् की सिफारिशों पर अधिसूचना द्वारा, ऐसी शर्तें और निर्बंधनों के अधीन रहते हुए जो उक्त अधिसूचना में विनिर्दिष्ट की गई हो, विनिर्दिष्ट अवधि के लिए इस उपनियम के अधीन बीजक जारी करने से किसी रजिस्ट्रीकृत व्यक्ति या व्यक्तियों के वर्ग को छूट दे सकेगा।”

4. उक्त नियम के नियम 138—क में, उपनियम (2) के स्थान पर निम्नलिखित उपनियम रखा जाएगा, अर्थात्:—

“(2) नियम 48 के उपनियम (4) के अधीन विहित रीति में बीजक जारी किए जाने के मामले में, बीजक निर्देश संख्या (आई. आर. एन.) सन्निहित करने वाला त्वरित निर्देशकूट को ऐसे कर बीजक की भौतिक प्रति के बदले उचित अधिकारी द्वारा सत्यापन के लिए इलैक्ट्रॉनिक ढंग से प्रस्तुत किया जा सकेगा।”

आदेश द्वारा,

हस्ताक्षरित /—

प्रधान सचिव (आबकारी एवं कराधान)।

**टिप्पण:—** मूल अधिसूचना संख्या 14/2020—राज्य कर दिनांक 23 जून, 2020 जिसे हिमाचल प्रदेश के राजपत्र में संख्या: ई.एक्स.एन.—एफ.(10)—4/2020 तारीख 24 जून, 2020 के तहत प्रकाशित किया गया था और अधिसूचना संख्या 62/2020—राज्य कर दिनांक 24 नवम्बर, 2020 जोकि राजपत्र, संख्या ई0एक्स0एन0—एफ(10)—14/2020 दिनांक 26 नवम्बर, 2020 द्वारा प्रकाशित की गई थी, द्वारा अंतिम संशोधन किया गया था।

*[Authoritative English text of this Department Notification No. EXN-F(10)-3/2020 dated 02-12-2020 as required under clause (3) of Article 348 of the Constitution of India].*

## EXCISE AND TAXATION DEPARTMENT

NOTIFICATION No. 72/2020-State Tax

Shimla-2, the 2nd December, 2020

**No. EXN-F(10)-3/2020.**—In exercise of the powers conferred by section 164 of the Himachal Pradesh Goods and Services Tax Act, 2017 (10 of 2017), the Governor, on the

recommendations of the Council, is pleased to make the following rules further to amend the Himachal Pradesh Goods and Services Tax Rules, 2017, namely:—

1. (1) These rules may be called the Himachal Pradesh Goods and Services Tax (Eleventh Amendment) Rules, 2020.

(2) Save as otherwise provided in these rules, they shall come into force on the date of their publication in the Official Gazette.

2. In the Himachal Pradesh Goods and Services Tax Rules, 2017 (hereinafter referred to as the said rules), in rule 46, after clause (q), the following clause shall be inserted, namely:—

“(r) Quick Reference code, having embedded Invoice Reference Number (IRN) in it, in case invoice has been issued in the manner prescribed under sub-rule(4) of rule 48.”.

3. In the said rules, in rule 48, in sub-rule (4), the following proviso shall be inserted, namely:—

“Provided that the Commissioner may, on the recommendations of the Council, by notification, exempt a person or a class of registered persons from issuance of invoice under this sub-rule for a specified period, subject to such conditions and restrictions as may be specified in the said notification.”.

4. In the said rules, in rule 138A, for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) In case, invoice is issued in the manner prescribed under sub-rule (4) of rule 48, the Quick Reference (QR) code having an embedded Invoice Reference Number (IRN) in it, may be produced electronically, for verification by the proper officer in lieu of the physical copy of such tax invoice.”.

By order,

Sd/-

*Pr. Secretary (E&T).*

**Note:**—The principal notification No. 3/2017-State Tax, dated the 19th June, 2020, was published in the Gazette of Himachal Pradesh *vide* notification number EXN-F(10)-13/2017, dated the 27th June, 2020 and last amended *vide* notification No. 62/2020-State Tax dated the 24th November, 2020 and published *vide* number EXN-F(10)-14/2020, dated the 26th November, 2020.

## DOOR-TO-DOOR GARBAGE COLLECTION & DISPOSAL BYE-LAWS-2018

### NOTIFICATION

*12th October, 2020*

**No. NP-Sunni/2019-571.**—The following Bye-laws made by Nagar Panchayat Sunni, for regulating The **Door-to-Door Garbage Collection & Disposal-2018** in exercise of the powers

conferred by section 202 and 217 of the Himachal Pradesh Municipal Act, 1994 (Act No. 12 of 1994) read with rule 15 (zf) of the Solid Waste Management Rules, 2016 having been confirmed by State enforcement, as required under section 217 of the aforesaid Acts were published for general information. Objection received during the period has been considered and resolved in the general meeting of Nagar Panchayat on dated 05-04-2019 *vide* resolution no. 1 and hence **Door-to-Door Garbage Collection & Disposal-2018** has been finalized to execute for controlling the Collection & Disposal of D2D garbage within the jurisdiction of Nagar Panchayat Sunni.

## **BYE-LAWS TO REGULATE DOOR-TO-DOOR GARBAGE COLLECTION & DISPOSAL OF NAGAR PANCHAYAT SUNNI**

### **Chapter-I-General**

1. *Short title and commencement:*—(a) These Bye-Laws may be called The **Door-to-Door Garbage Collection and Disposal Bye-Laws-2018 of Nagar Panchayat Sunni** for Municipal Solid Waste Management & Disposal.

(b) These Bye-Laws shall come into force on the date of their adoption and publication in the Rajpatra, the gazette of Himachal Pradesh Government.

(c) This shall apply to Sunni Municipal area.

2. *Definitions.*—In these rules, unless the context otherwise requires—

(a) “**Act**” means the Himachal Pradesh Municipal Corporation Act 1994 and Himachal Pradesh Municipal Act, 1994.

(b) “**Bulk Waste Generator**” means and includes buildings occupied by the Central Government Departments or undertakings, State Government Departments or undertakings, local bodies, public sector undertakings or private companies, hospitals, nursing homes, schools, colleges, universities, other educational institutions, hostels, hotels, commercial establishments, markets, places of worship, stadia and sports complexes having an average waste generation rate exceeding 100kg per day;

(c) “**Bye-Laws**” means regulatory framework notified by local body, census town and notified area townships for facilitating the implementation of these rules effectively in their jurisdiction.

(d) “**Composting**” means a controlled process involving microbial decomposition of organic matter;

(e) “**Disposal**” means the final and safe disposal of post processed residual solid waste and inert street sweepings and silt from surface drains on land as specified in Schedule I to prevent contamination of ground water, surface water, ambient air and attraction of animals or birds;

(f) “**Domestic Hazardous Waste**” means discarded paint drums, pesticide cans, CFL bulbs, tube lights, expired medicines, broken mercury thermometers, used batteries, used needles and syringes and contaminated gauge, etc., generated at the household level;

(g) “**Door-to-Door Garbage Collection**” means collection of solid waste from the door step of households, shops, commercial establishments, offices, institutional or any other non-residential premises and includes collection of such waste from entry gate or a designated location

on the groundfloor in a housing society, multi storied building or apartments, large residential, commercial or institutional complex or premises;

(h) **“Dry Waste”** means waste other than bio-degradable waste and inert street sweepings and includes recyclable and non-recyclable waste, combustible waste and sanitary napkin and diapers, etc;

(i) **“Dump Sites”** means a land utilised by local body for disposal of solid waste without following the principles of sanitary land filling;

(j) **“Fine/Penalty”** means penalty imposed on waste generators or operators of waste processing and disposal facilities under the bye-laws for non-compliance of the directions contained in these or bye-laws.

(k) **“Municipality”** means the municipal Council/Nagar Panchayat of Himachal Pradesh;

(l) **“Non-Biodegradable Waste”** means any waste that cannot be degraded by micro-organisms into simpler stable compounds;

(m) **“Sanitary Land Filling ”** means the final and safe disposal of residual solid waste and inert wastes on land in a facility designed with protective measures against pollution of ground water, surface water and fugitive air dust, wind-blown litter, bad odour, fire hazard, animal menace, bird menace, pests or rodents, greenhouse gas emissions, persistent organic pollutants slope instability and erosion;

(n) **“Sanitary Waste”** means wastes comprising of used diapers, sanitary towels or napkins, tampons, condoms, incontinence sheets and any other similar waste;

(o) **“Schedule”** means the schedule indicating the rate in respect of sign boards;

(p) **“Secondary Storage”** means the temporary containment of solid waste after collection at secondary waste storage depots or MRFs or bins for onward transportation of the waste to the processing or disposal facility;

(q) **“Segregation”** means sorting and separate storage of various components of solid waste namely biodegradable wastes including agriculture and dairy waste, non-biodegradable wastes including recyclable waste, non-recyclable combustible waste, sanitary waste and non-recyclable inert waste, domestic hazardous wastes, and construction and demolition wastes;

(r) **“Service Provider”** means an authority providing public utility services like water, sewerage, electricity, telephone, roads, drainage, etc;

(s) **“User Fee/Charge”** means a fee imposed by the local body and any entity mentioned in rule on the waste generator to cover full or part cost of providing solid waste collection, transportation, processing and disposal services.

(t) **“Waste Picker/Collector”** means a person or groups of persons informally engaged in collection and recovery of reusable and recyclable solid waste from the source of waste generation the streets, bins, material recovery facilities, processing and waste disposal facilities for sale to recyclers directly or through intermediaries to earn their livelihood. Words and expressions used herein but not defined, but defined in the Environment (Protection) Act, 1986, the Water

(Prevention and Control of Pollution) Act, 1974, Water (Prevention and Control of Pollution) Cess Act, 1977 and the Air (prevention and Control of Pollution) Act, 1981, Himachal Pradesh Corporation Act, 1994, Himachal Pradesh Municipal Act, 1994 and Solid Waste Management Rules, 2016 shall have the same meaning as assigned to them in the respective Acts and Rules.

### **Chapter–II—Management of Municipal Solid waste**

3. *Municipal Solid Waste Management.*—The Municipal Council / Nagar Panchayat shall establish an integrated Solid Waste Management (SWM) system with an aim to reduce the amount of waste being disposed, while maximizing resources recovery and efficiency. The preferred waste management system shall focus on the following points, namely:—

- I. *Reduction and reuse at source.*—The most preferred option for Solid Waste Management shall be prevention of waste generation. It will be helpful in reducing the handling, treatment, and disposal costs and specially reduce various environmental impacts such as leachate, air emissions and generation of greenhouse gases.
- II. *Waste recycling.*—Recovery of recyclable material resources through a process of segregation, collection and re-processing to create new products shall be the next preferred alternative.
- III. *Composting.*—As far as possible the organic fraction of waste shall be composted and used to improve soil health and agricultural production adhering to norms.
- IV. *Waste-to-Energy.*—Where material recovery from waste is not possible, energy recovery from waste through production of heat, electricity or fuel may be preferred. Bio-methanation, waste incineration, production of Refuse Derived Fuel (RDF) and coprocessing of the sorted dry rejects from municipal solid waste are to be commonly adopted “Waste to Energy” technologies.
- V. *Waste disposal.*—Remaining residual waste, which ideally comprises of inert, shall be disposed in sanitary landfills constructed in accordance with stipulations of the Solid Waste Management Rules, 2016.
- VI. *The Integrated Solid Waste Management system shall be environment friendly.*—Waste minimization, waste recycling, waste-to-energy strategies and landfill gas capture and use which are promoted in the Solid Waste Management Rules, 2016 shall be adopted for reduction of greenhouse gases.

### **Chapter–III.—Municipal Solid Waste Collection & Transportation**

4. Segregation & Primary Storage of Municipal Solid waste:

- (a) It will be prime responsibility of every waste generator/citizen to segregate the waste generated by them in three separate streams namely bio-degradable, non-biodegradable and domestic hazardous wastes in suitable covered bins and handover segregated wastes to authorised waste pickers or waste collectors designated by ULBs or Agency Hired by ULBs once a day or at the frequency as decided by respective local body on the timing fixed by the service provider. Every citizen has to pay a fixed monthly rental for the services of door to door garbage collection.

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- (b) Waste generators shall be encouraged to segregate waste and store at source in three separate colour bins *i.e.* green-for biodegradable waste, blue—for non—biodegradable, redfor domestic hazardous waste.
- (c) All institutions with more than 5,000 sqm area shall, within one year from the date of notification of these bye laws and in partnership with the Municipal Council / Nagar Panchayat, ensure segregation of waste at source by the generators, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the Municipal Council / Nagar Panchayat.
- (d) No person shall organise an event or gathering of more than one hundred persons at any unlicensed place without intimating the Municipal Council / Nagar Panchayat, at least three working days in advance and such person or the organiser of such event shall ensure segregation of waste at source and handing over of segregated waste to waste collector or agency as specified by the Municipal Council / Nagar Panchayat.
- (e) Used sanitary waste are to be securely wrapped as and when generated in the pouches provided by the manufacturers or brand owners of these products or in a newspaper or suitable biodegradable wrapping material and place the same in the bin meant for non-biodegradable waste or dry waste.
- (f) Every street vendor shall keep suitable containers for storage of waste generated during the course of his activity such as food waste, disposable plates, cups, cans, wrappers, coconut shells, leftover food, vegetables, fruits, etc., and shall deposit such waste at waste storage depot or container or vehicle as notified by the Municipality.
- (g) Store separately construction and demolition waste, as and when generated, in his own premises and shall dispose off as per the Construction and Demolition Waste Management Rules, 2016.
- (h) Bulk waste generators of garden and horticulture waste like park, stadium etc. shall store separately in their premises and dispose of the same as may be prescribed by the Municipal Council / Nagar Panchayat from time to time.
- (i) No untreated bio-medical waste, e-waste, hazardous chemicals and industrial waste shall be mixed with municipal solid waste and such waste shall follow the rules specifically separately specified for the purpose.
- (j) Every waste generator has to ensure that there is no practice of burning or burying the solid waste generated by him, throwing on streets/ open public spaces outside his premises or in the drain or water bodies.
- (k) Littering of waste on streets /open space/ water bodies /drain shall be fined on the spot. On iterative they will be punishable and can subjected to court as per rule.
- (l) Time to time awareness generation campaigns should be organised to motivate people. RWA (Resident Welfare Association), Local NGOs, representative of public association and elected local member should be involved in the programme to motivate citizen.

**5. Primary Collection of Municipal Solid Waste:**

- (a) Each and every house in the city/town should be approached for the primary collection of waste by means of wheel barrow, push cart, tricycle, small auto tipper depending on the size of road available;
- (b) Municipal Council/Nagar Panchayat have to arrange for daily door-to-door collection of segregated solid waste from all households including slums and informal settlements, commercial, institutional and other non-residential premises. From multi-storage buildings, large commercial complexes, malls, housing complexes, etc., this may be collected from the entry gate or any other designated location;
- (c) Municipal Council/Nagar Panchayat have to establish a system to recognise organisations of waste pickers or informal waste collectors and promote and establish a system for integration of these authorised waste-pickers and waste collectors to facilitate their participation in solid waste management including door-to-door collection of waste;
- (d) Municipal Council/Nagar Panchayat have to facilitate formation of Self Help Groups, provide identity cards and thereafter encourage integration of informal waste pickers in solid waste management including door-to-door collection of waste.
- (e) Municipal Council/Nagar Panchayat have to collect separately waste from sweeping of streets, lanes and by-lanes daily, or on alternate days or twice a week depending on the density of population, commercial activity and local situation.
- (f) Municipal Council/Nagar Panchayat have to collect horticulture, parks and garden waste separately and process in the parks and gardens, as far as possible.
- (g) Time for the door-to-door collection services will have to be fixed by the concerned ULBs. Generally timing should be between 6:00 A.M. to 9:00 A.M. For proper waste collection vehicle such as tricycle, auto tipper used for door-to-door garbage collection should be equipped with Alarm with audible decibel fixed as per the rules and timing should be strictly followed by the sanitation workers.
- (h) For door-to-door garbage collection from commercial complex, offices and secondary bins timing should be between 9:00 A.M. to 11:00 A.M.
- (i) For proper solid waste management & grievance redress Municipal Council/Nagar Panchayat should set up small office/centre in each ward of their boundaries.
- (j) Under door-to-door services user charge for collection should be formulated on the following criteria.

**Sl. No Category of User Charge on monthly basis (INR)**

1.	Household (area less than 2000 sq. feet)	.. 50
2.	Household (area more than 2000 sq. feet)	.. 100
3.	Commercial Complex (dhabba, sweet shop, coffee houses, provisional stores)	.. 150
4.	Pan Shop	.. 70
5.	Tea Shop	.. 70
6.	Shops (Daily needs, cloths and other shops)	.. 70



7. Vegetables & fruits shops (wholesale)	..300
8. Vegetables & fruits shops (retails)	..150
9. Sweet /snacks shop (big)	..70
10. Offices (2 rooms)	..100
11. Offices (3-5 rooms)	..250
12. Offices (6-10 rooms)	..300
13. Offices (11-20 rooms)	..400
14. Offices (more than 20 rooms)	500 for 20 rooms + 50 per additional room
15. Bank Bank Floor Area > 1000 sq. feet	500-750
16. Govt. Schools	150
17. Private Schools upto 100 students on producing student's enrolment certificate	500
18. Private Schools (more than 100 students)	500
19. Bakeries (small)	200
20. Bakeries (manufacturing units)	500
21. PG Hostel / Guest House (upto 10 rooms)	500
22. PG Hostel / Guest House (11-20 rooms)	1000
23. PG Hostel / Guest House (21-30 rooms)	1500
24. PG Hostel / Guest House (more than 30 rooms)	2000 for 30 rooms + 50 per additional room.
25. Dharamsala	250
26. Factories (manufacturing unit) other than notifies in any other category	750
27. Workshop (Tyre puncture shop)	100
28. Workshop (repair shop)	200
29. Workshop (repair + spare parts shop)	300
30. Workshop (vehicle showroom, repair + spare parts)	500
31. Workshop (those not touching any NH or SH)	200
32. Restaurants	500
33. Restaurants + Bar	750
34. Cinema Hall (Theatre, multiples)	1000
35. Govt. College	500
36. Private College	500
37. Hospital /Nursing Home (upto 50 beds)	500
38. Hospital /Nursing Home (51-100 beds)	750
39. Hospital /Nursing Home (more than 100 beds)	1000 + 50 per additional bed
40. Clinics	150
41. Clinics with medicines shops	250
42. Chemist shop	70
43. Laboratory	200
44. Banquet Hall/ Hotel	500 & 1000 per trip on demand
45. Special Hotels more than 50 Rooms	500 & 1000 per trip on demand
46. Vehicle on demand for Dumper	2000 per trip
47. Big Malls	1000 per floor
48. Meat Shops (other than subscribed with chicken waste collection vehicle)	100
49. Confectionary + Veg Shop	150
50. Scrap Dealers	400
51. Street Vendor	70
52. Cow dung from cattle at households	150
53. Barber shop	150
54. Any other establishment(s) not mentioned above to be decided by ULB	

**Note.—User charge as prescribed above can be revised by the ULB time to time keeping in view the polluter pay principal to meet the operation and maintenance cost of the services under Solid waste management.**

- (k) User charge mentioned above for door-to-door services needs to be collected from each and every household & other establishments of all the wards in the municipal boundaries of the ULBs. Users charge decided above, contact person's name & number needs to be conveyed to general public through different media such as display on the vehicles used for these services, hoardings, pamphlets etc. Also, awareness generation campaigns need to be organised.
- (l) No manual loading or unloading of waste in compactor should be practised with open hand or without safety measure as per the Solid Waste Management Rules, 2016.

**6. Secondary Storage of Municipal Solid Waste.**—Municipality by their own or with help of Agency hired needs to develop storage bins/ secondary storage points for the collection of waste generated in the town, they will also be responsible to monitor the condition of these bins so that no filthy or unhygienic condition develops around. While establishing or monitoring secondary storage bins following precaution needs to be taken care :

- (a) Storage/Secondary storage bins should be designed and develop on the basis of the quantity of waste generated, density of population in the notified municipal boundaries. Minimum distance between two bins should be 500 meters and within radius of 1 Km maximum numbers of bins should limited upto 5. Established bins must be covered with movable lid and must be approachable/connected with metallic or non-metallic road.
- (b) Bins provided by Municipal Council/Nagar Panchayat or any hired agency should be designed in such a manner so that waste disposed in does not get scattered in open atmosphere and it should be artistic in nature so that it motivates people to dispose their waste in the bins not in open.
- (c) Bins placed at designated place by Municipal Council / Nagar Panchayat or any hired agency should motivate people to practice waste segregation and it should be placed as per Solid Waste Management Rule, 2016 having colour coding for different types of waste.

Green:—Biodegradable waste (food waste, garden waste)

Blue:—Non-Biodegradable waste

Red:—Hazardous or toxics waste

- (d) Well-designed Vehicle like auto Tipper/Compactor should be used for the purpose of transportation of waste and evacuating the bins.
- (e) All the co-operative society, residential welfare association/ society, institutional organisation will be responsible to place suitable quantity of bins approved by the Municipal Council /Nagar Panchayat on the fixed place in their compound so that waste generated from there can be stored properly and collected from time to time by the municipal vehicle. User charge for these services fixed by the ULBs should be collected by the authorised person of local body.
- (f) It will be prime responsibility of all the waste generators/citizens to store and sell/handover the recyclable waste to the Ragpickers/Kabadiwala or person/organisation designated by the Municipal Council/Nagar Panchayat. They have to ensure that no such waste is being disposed on the road/drain/secondary storage bins/open space.

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- (g) Door-to-door garbage collection, secondary storage bins, collection & transportation, processing of waste and disposal of waste in sanitary land fill site, all these services will be provided by Municipal Council/Nagar Panchayat or any hired agency. ULBs will charge user fee for all these services and violator will be fined on the spot or punished and can be subjected to court as per rule.
- (h) Waste from the slaughter house, fish market, fruit & vegetable market is biodegradable in nature, so proper storage facility should be designed so that no health hazard spreads from this & facility for composting should be developed to make use of such waste in generating organic manure from it. For ensuring proper disposal of such waste every generator have to ensure best storage facility and segregation of such waste at source and door-to-door collection should be practiced by ULBs to collect 100% of such waste and take to processing plant. On Violation, waste generator should be fined on the spot or punished and can be subjected to court as per rule.
- (i) Municipal Council/Nagar Panchayat have to establish waste deposition centres for domestic hazardous waste and give direction for waste generators to deposit domestic hazardous wastes at this centre for its safe disposal. Such facility shall be established in a city or town in a manner that one centre is set up for the area of twenty square kilometres or part thereof and notify the timings of receiving domestic hazardous waste at such centres.
- (j) Bio-medical & industrial waste should not be mixed with municipal waste and such waste should be stored and disposed separately as per the rules applicable. For the disposal of biomedical waste Common Biomedical Waste Treatment Facility (CBMWTF) should be developed in each ULB either separately or on the cluster basis. By paying the fixed user fee such waste can be easily disposed off.
- (k) Construction and demolition waste should be stored separately as and when generated, in his/her own premises and shall be disposed off as per the Construction and Demolition Waste Management Rules, 2016. ULBs should fix user charge for transportation and disposal of C&D waste and generator should dispose this waste by paying the charge as per the rules and at the designated place. Disposing of such waste in open space, road side, common place will be treated as illegal and fined as per the rules.
- (l) Gardening / Horticultural waste should also be stored separately at source. ULBs should fix a day or two in week and some place where generator should give their waste and from there it should be transported to disposal site.
- (m) Dry leaves, plastic and other such waste should not be burnt in open, doing such activity will be treated as illegal and punishable, violator should be fined as per the rules.
- (n) Stray animal should be restricted from roaming in and around the waste disposal site & secondary storage bins or any public place in the town.
- (o) Every citizen, institutions, office buildings, commercial complexes has to ensure that there is no open discharge of grey water, black water or any other such polluted water in drain, open space or on road which can spread health issues, doing such activity will be treated as illegal and punishable as per the rules.

- (p) No person should dispose dead animal or any such material in open space, road side, community park or any other place which can spread pollution and health issues, doing such activity will be treated as illegal and punishable as per the rules.
- (q) Municipal Council/Nagar Panchayat have to set up covered secondary storage facility for temporary storage of street sweepings and silt removed from surface drains in cases where direct collection of such waste into transportation vehicle is not convenient. Waste so collected shall be collected and disposed of at regular intervals as decided by the local body.
- (r) Municipal Council/Nagar Panchayat can develop bins free solid waste management facility but for this 100% waste collection from the door step of the generator should be ensured.

#### **7. Secondary Collection & Transportation of Municipal Solid Waste:**

- (a) Each storage bins/secondary storage bins should be attended daily by the help of auto-tipper, tractor, compactor etc.
- (b) Closed vehicle should be used for the transportation of waste. To reduce the frequency of loading and unloading of waste compactor should be used.
- (c) Municipal Council/Nagar Panchayat will have to ensure safe storage and transportation of the domestic hazardous waste to the hazardous waste disposal facility.
- (d) Transport segregated bio-degradable waste to the processing facilities like compost plant, bio-methanation plant or any such facility. Preference shall be given for onsite processing of such waste.
- (e) Transport non-bio-degradable waste to the respective processing facility or material recovery facilities or secondary storage facility. Ensure transportation of construction and demolition waste as per the provisions of the Construction and Demolition Waste Management Rules, 2016.

#### **Chapter-IV:—Municipal Solid Waste Processing & Disposal**

**8. Waste Processing Plant:**—Municipal Council/Nagar Panchayat with the help of State Pollution Control Board approval needs to develop solid waste management/processing plant to make use of daily generated biodegradable waste so that it can reduce the quantity of waste being disposed at the sanitary land fill site.

(a) Municipal Council/Nagar Panchayat have to collect waste from vegetable, fruit, flower, meat and poultry and fish market on day to day basis and promote setting up of decentralised compost plant or bio-methanation plant at suitable locations in the markets or in the vicinity of markets ensuring hygienic conditions.

(b) Involve communities in waste management and promotion of home composting, bio gas generation, decentralised processing of waste at community level subject to control of odour and maintenance of hygienic conditions around the facility.

(c) For processing of biodegradable waste Municipal Council/Nagar Panchayat have to establish waste processing plant such as composting plant, windrow compost plant, vermin

composting plant, waste to energy or any other such technology by their own or with the help of any other licensed company/firm/organisation on Build–operate-Transfer (BOT)/Object Oriented (OO) method.

(d) For processing of mixed recyclable waste Municipal Council/Nagar Panchayat have to establish recycling units such as incineration, RDF Plant or other such recycling technology by their own or with the help of any other licensed company/firm /organisation on Build-Operate-Transfer (BOT)/Object Oriented (OO) method.

(e) Municipality may also send the non-biodegradable/dry waste as RDF to nearby cement factories for co-processing.

## **9. Waste Disposal:**

(a) Municipal Council/Nagar Panchayat have to stop land filling or dumping of mixed waste soon after the timeline for setting up and operationalisation of sanitary landfill is over.

(b) Municipal Council/Nagar Panchayat have to allow only the non-usable, non recyclable, non-biodegradable, non-combustible and non-reactive inert waste and pre-processing rejects and residues from waste processing facilities to go to sanitary landfill.

(c) Sites shall meet the specifications as given in Schedule–I of Solid Waste Management Rules, 2016, however, every effort shall be made to recycle or reuse the rejects to achieve the desired objective of zero waste going to landfill.

(d) Municipal Council/Nagar Panchayat have to investigate and analyse all old open dumpsites and existing operational dumpsites for their potential of bio-mining and bio-remediation and where so ever feasible, take necessary actions to bio-mine or bio-remediate the sites.

(e) Municipal Council/Nagar Panchayat have to ensure that in absence of the potential of bio-mining and bio-remediation of dumpsite, it shall be scientifically capped as per landfill capping norms to prevent further damage to the environment.

## **Chapter – V: - Monitoring by Ward Committee**

**Constitution of Ward Sanitation Committee:**—A Ward Sanitation Committee shall be constituted in each ward of the Municipal Council/Nagar Panchayat. The Ward Sanitation Committee shall have 11 to 15 members. The members of the WSC would comprise of ward member, sanitary inspector, tax collector or a designated officer by Municipal Council/Nagar Panchayat for each ward, representatives of Residential Welfare Associations (RWAs) of the ward, representatives from slum sanitation committee, representatives of Community Based Organisations (SHGs, youth club etc), local leaders, senior citizens etc. The Ward Sanitation Committee shall oversee the sanitation activity in the ward.

## **Chapter–VI:— Stakeholder’s Responsibilities**

### **10. Responsibilities of various stakeholders:**

#### **10.1 Responsibilities of Waste Generators:**

(a) No waste generator shall throw the waste generated by him on the street, open spaces, drain or water bodies;

(b) No person shall let the dirty water, mud, night soil, cow dung, urine, polluted water from their own house, organisation, commercial establishments to accumulate in their own compound nor let it flow on common streets in a way that the environment gets polluted by foul smell or poses a threat to public health;

(c) To wrap securely used sanitary waste as and when generated in a newspaper or suitable biodegradable wrapping material and place the same in the domestic bin meant for non-biodegradable waste;

(d) All citizens shall have the responsibility to dispose of the recyclable waste generated in their complexes to the waste pickers authorised by the Municipal Council/Nagar Panchayat or waste collector or containers of the Municipal Council/Nagar Panchayat and not put it on the road under any circumstances:

(e) All waste generators shall pay user fees as specified in these bye-laws;

(f) No waste generator shall throw, burn or bury the solid waste generated by him on streets, open public spaces outside his premises or in the drain or water bodies,

(g) No dead animals or their remains to be thrown in any public places or any such place, which create any kind of pollution;

(h) If any person is found violating activities prohibited for doing, fine charges shall be collected from the offender by the Municipal Council/Nagar Panchayat.

#### 10.2 Responsibility of Ward Sanitation Committee:

(a) The Ward Sanitation Committee shall oversee the sanitation and cleanliness activities in ward;

(b) The Ward Sanitation Committee shall act as a grievances redressal point on sanitation issues at ward level;

(c) The Ward Sanitation Committee shall have the power to impose fine on any offender and also have the power to waive of penalties;

(d) The Ward Sanitation Committee will promote home composting, bio-gas generation, decentralised processing of waste at community level subject to control of odour and maintenance of hygiene around the facility;

(e) The Ward Sanitation Committee will give warning to any offenders of these bye-laws. After two warning by the Ward Sanitation Committee or the Municipal Council/Nagar Panchayat, penalty shall be collected from the violator as per the provisions of these bye-laws.

#### 10.3 Responsibility of the Municipal Council/Nagar Panchayat:

(a) The Municipal Council/Nagar Panchayat shall within its territorial area, be responsible for ensuring daily and throughout the year system of cleaning of all common roads, places, temporary settlements, slums, areas, markets, its own parks, gardens, tourist spots, cemeteries and shall be bound to collect the garbage from the nearest declared storage containers, and transport it every day to the final disposal point in closed

vehicles for which the municipal authority may engage private parties on contract or Public Private Partnership mode, apart from its own permanent cleaning staff and vehicles;

- (b) The Municipal Council/Nagar Panchayat or the authorized agency engaged by the Municipal Council/Nagar Panchayat shall provide and maintain suitable community bins on public roads or other public spaces;
- (c) The Municipal Council/Nagar Panchayat for the purpose of managing such sanitation activities in decentralised and regular manner shall designate one ward officer, in every ward to supervise the spots of containers, public toilets, community toilets or urinals in public places, transfer station for public garbage, landfill processing units etc. for final disposal of city's garbage;
- (d) The designated ward officer by the Municipal Council/Nagar Panchayat shall also be a member of the concerned Ward Sanitation Committee which shall act as the first point of grievance redressal on sanitation issues of the concerned ward and meet complaints of citizens on issues of sanitation;
- (e) The Municipal Council/Nagar Panchayat shall facilitate construction, operation and maintenance of solid waste processing facilities and associated infrastructure on their own or through any agency for optimum utilisation of various components of solid waste adopting suitable technology including the technologies and the guidelines issued by the Ministry of Urban Development from time to time and standards prescribed by the Central Pollution Control Board;
- (f) The Municipal Council/Nagar Panchayat shall create awareness through Information, Education and communication (IEC) campaign and educate the waste generators on minimal generation of waste, not to litter, re-use the waste to the extent possible, practice segregation of wet bio-degradable waste, dry recyclable and combustible waste and domestic hazardous waste at source, wrap securely used sanitary waste as and when generated in a newspaper or suitable bio- degradable wrapping material and place the same in the domestic bin meant for non-biodegradable waste, storage of segregated waste at source and payment of monthly user fee.
- (g) Chemical fertilizers shall be replaced by use of compost in all parks, gardens maintained by the Municipal Council/Nagar Panchayat and any other places within two years of notification;
- (h) Promote recycling initiatives by informal waste recycling sector;
- (i) The Municipal Council/Nagar Panchayat shall make efforts to streamline and formalize Solid Waste Management systems and endeavour that the informal sector workers in waste management (rag pickers) are given priority to upgrade their work conditions and are enumerated and integrated into the formal system of Solid Waste Management in cities;
- (j) Ensure that the operator of a facility provides personal protection equipment including uniform, fluorescent jacket, hand gloves, raincoats, appropriate foot wear and masks to all workers handling solid waste and the same are used by the workforce;
- (k) Ensure occupational safety of the Municipal Council/Nagar Panchayat own staffs and staffs of outsource agency involved in collection, transport and handling waste by providing appropriate and adequate personal protective equipment's;

- (I) In case of an accident at any solid waste processing or treatment or disposal facility or landfill site, the officer-in-charge of the facility shall report to the Municipal Council/Nagar Panchayat immediately which shall review and issue instructions if any, to the in-charge of the facility.

## **Chapter-VII:— Prosecution & Penalties**

### **11. Prosecution:**

I. Prosecution can be made on violation of above said rules under Municipal Solid Waste Management Rules, 2016, Himachal Pradesh Council/Nagar Panchayat Act, 1994 and Environmental Protection Act, 1986. Even the prosecution can be made on the official/workers responsible for implementing so called services under the above said Bye-Laws if they are not performing their task or delaying their responsibility to implement the services.

II. Whosoever contravenes the provision of above said Bye-Laws shall be in addition to the penalties already mentioned under any act/rules/laws/bye-laws for time being in force would be liable for disconnection of water supply, electricity and other civic amenities and the Executive Officer/Secretaries of the ULB may request the competent authorities to withdraw any other services if granted in favour of Institution/ Commercial Establishment/person committing the offence.

### **12. Penalties:**

On the violation of above said municipal Bye-Laws fixed penalties are as below:

#### **Sl. No. Offence Municipal Council/Nagar Panchayat**

1. Littering by People of residential colony	Rs. 500 per day
2. Open dumping by shopkeepers	Rs. 1000 per day
3. Littering/ open dumping by restaurants owners	Rs. 2000 per day
4. Littering/ open dumping by Hotel Owners	Rs. 2000 per day
5. Littering/ open dumping by Industries	Rs. 5000 per day
6. Street Vendor like fast-food, chat, ice-cream, juice corner etc.	Rs. 250 per day
7. Open defecation/ urination in public place	Rs. 500 per offence committed
8. Disposal of dung in open space / public place	Rs. 2000 per day
9. Disposal of construction & demolition waste in open space/road side/ public place by resident	Rs. 2000 per day
10. Littering of waste like dung, construction & demolition waste on road while transporting through private tractor/ vehicle	Rs. 2000 per day
11. Disposal of waste water from house in non-authorised place	Rs. 2000 per day
12. Disposal of sewer in non-authorised place	Rs. 5000 per day
13. Not keeping of closed dust bins in adequate number & quantity by owners mention from Sl. No 2- 6	Rs. 5000 per day
14. Spilling of oil, dust, water & other material by road side Motar, Bike, Bicycle repair mechanics	Rs. 1000 per day
15. Disposal of Skin, feather, blood, flash or any other material of animal(s) by shopkeeper	Rs. 2000 per day
16. Littering by pet animals like dogs, cow, etc. on road side/ open space/ community place	Rs. 1000 per day



- |   |                  |
|---|------------------|
| 17. Littering or disposal of waste in front of Marriage hall, community place, exhibition hall, mela ground   | Rs. 5000 per day |
| 18. Encroachment of Road for by Dhabas or any other such shop and disposing of waste on road side, open space   | Rs. 1000 per day |
| 19. Encroachment of Road for by fruit, vegetable local vendor and disposing of waste on road side, open space   | Rs. 250 per day  |
| 20. Encroachment of Road Hair cutting saloon and disposing of waste on road side, open space  | Rs. 250 per day  |
| 21. Encroachment & Disposal of construction & demolition waste in open space/ road side/ public place by Businessman, shopkeepers   | Rs. 5000 per day |
| 22. Disposal of waste by Private Nursing Home/ Hospital, Clinics, Dispensaries on road side, open space   | Rs. 5000 per day |
| 23. Non-Segregation of waste at source :  |                  |
| (i) Residents Rs. 250 for first offence and Rs. 500 for second & subsequent offences in a month.  |                  |
| (ii) Shopkeepers Rs. 500 for first offence and Rs. 1000 for second & subsequent offences in a month.  |                  |
| (iii) Restaurants owners Rs. 1000 for first offence and Rs. 2000 for second & subsequent offences in a month.   |                  |
| (iv) Hotel owners Rs. 1500 for first offence and Rs. 2500 for second & subsequent offences in a month.  |                  |
| (v) Industrial Establishment Rs. 3000 for first offence and Rs. 5000 for second & subsequent offences in a month.   |                  |
| (vi) Sweets, snacks, fast food. ice-creams, sugarcane & other juice and vegetables vendor carts Rs. 250 for first offence and Rs. 500 for second & subsequent offences in a month |                  |

### 13. Repeal/Contradict:

- ☐ Once these bye- laws come into force any other rules, bye- laws, policy with regard to this matter adopted by any ULB will be considered as disaffirm.
- ☐ Any work done or scheme implemented under any previous rules/bye-laws will not be impugned unless until it is just opposite or completely contrary to the action to be taken under the above said bye-laws.

Sd./-  
Secretary,  
Nagar Panchayat, Sunni.

## हिमाचल प्रदेश तेरहवीं विधान सभा

अधिसूचना

शिमला-171 004, 03 दिसम्बर, 2020

सं०: वि०स०-विधायन-प्रा०/1-1/2018.—राज्यपाल महोदय का निम्नलिखित आदेश दिनांक 02 दिसम्बर, 2020 सर्वसाधारण की सूचनार्थ प्रकाशित किया जाता है :—

“मैं, बंडारू दत्तात्रेय, राज्यपाल, हिमाचल प्रदेश, भारतीय संविधान के अनुच्छेद 174 (1) के अधीन जारी समसंख्यक आदेश तारीख 16-11-2020, जिसके द्वारा तेरहवीं विधान सभा के दशम् सत्र को दिनांक 07 दिसम्बर, 2020 से तपोवन, धर्मशाला में बुलाने का आदेश दिया गया था, को कोविड मामलों में अभिवृद्धि और सार्वजनिक कार्यक्रमों में पचास व्यक्तियों से अधिक के एकत्र होने पर निर्बन्धन के दृष्टिगत, लोकहित में, एतद्वारा निरस्त करता हूँ।

बंडारू दत्तात्रेय,  
राज्यपाल,  
हिमाचल प्रदेश।”

आदेश द्वारा:—

यशपाल शर्मा,  
सचिव,  
हि० प्र० विधान सभा।

## HIMACHAL PRADESH THIRTEENTH VIDHAN SABHA

## NOTIFICATION

Shimla-171 004, the 03rd December, 2020

No. V.S.-Legn.-Pre/1-1/2018.—The following order by the Governor of the State of Himachal Pradesh, dated the 02nd December, 2020 is hereby published for general information:—

“मैं, बंडारू दत्तात्रेय, राज्यपाल, हिमाचल प्रदेश, भारतीय संविधान के अनुच्छेद 174 (1) के अधीन जारी समसंख्यक आदेश तारीख 16-11-2020, जिसके द्वारा तेरहवीं विधान सभा के दशम् सत्र को दिनांक 07 दिसम्बर, 2020 से तपोवन, धर्मशाला में बुलाने का आदेश दिया गया था, को कोविड मामलों में अभिवृद्धि और सार्वजनिक कार्यक्रमों में पचास व्यक्तियों से अधिक के एकत्र होने पर निर्बन्धन के दृष्टिगत, लोकहित में, एतद्वारा निरस्त करता हूँ।

बंडारू दत्तात्रेय,  
राज्यपाल,  
हिमाचल प्रदेश।”

By order:—

Yash Paul Sharma,  
Secretary,  
H.P. Vidhan Sabha.

**HIMACHAL PRADESH REAL ESTATE REGULATORY AUTHORITY  
(Adjudication of Execution Petition) Regulations, 2020**

NOTIFICATION

*Dated, the 02nd December, 2020*

**No.HP/RERA/General/Regulations/2020.—1. Short title, object, commencement and extent.**—In exercise of the powers conferred on it under Section 85 of the Real Estate (Regulation and Development) Act, 2016 and other powers enabling it in that behalf, the Real Estate Regulatory Authority, Himachal Pradesh hereby makes the following regulations:

- (i) These regulations may be called the Himachal Real Estate Regulatory Authority, (Adjudication of Execution Petition) Regulations No. 3 of 2020.
  - (ii) These regulations are meant to establish the procedures for filing and adjudication of execution petition (Section 51 and Order 21 Rule 10 of Code of Civil Procedure) relating to real estate projects, and all matters connected therewith or incidental thereto.
  - (iii) These regulations shall come into force from the date of their publication in the official gazette.
  - (iv) The Himachal Real Estate Regulatory Authority (Adjudication of Execution Petition) Regulations, 2020 shall apply to all matters falling within the jurisdiction of Real Estate Regulatory Authority, Himachal Pradesh as notified by the Government of Himachal *vide* Notification No. HSG-A (3)-1/ 2019 dated 16-12-2019 which comprises the entire area of the State of Himachal Pradesh.
2. **Definitions.**—Unless the context otherwise requires in these regulations:—
- (i) “Act” means the Real Estate (Regulation and Development) Act, 2016 as amended from time to time;
  - (ii) “Authorized Officer” means the officer authorized by the Authority to enforce and execute the order(s)/ directions/ decree of the Authority passed from time to time;
  - (iii) “Authority” means the Real Estate Regulatory Authority, Himachal Pradesh.;
  - (iv) “Court” means a civil, criminal or revenue court and includes any tribunal or any other Authority constituted under any law for the time being in force to exercise judicial or quasi-judicial functions;
  - (v) “Decree” means the order, directions, decision etc. issued by the Authority;
  - (vi) “Decree-holder” means any person in whose favour a decree has been passed or an order capable of execution has been made;
  - (vii) “District” means the local limits of the jurisdiction of a Civil Court of original jurisdiction (hereinafter called a “District Court”), and includes the local limits of the ordinary original civil jurisdiction of a High Court;

- (viii) “Judgment-debtor” means any person against whom a decree has been passed or an order capable of execution has been made;
- (ix) “Order” means the formal expression of any decision/ directions of the Authority;
- (x) “Prescribed” means prescribed by rules;
- (xi) “Rules” means the Himachal Pradesh Real Estate Regulatory Authority (Regulation and Development) Rules, 2017 as amended from time to time;
- (xii) “Regulations” means the Himachal Pradesh Real Estate Regulatory Authority (Adjudication of Execution Petition) Regulations, 2020 as amended from time to time;
- (xiii) Words and expressions used herein and not defined but defined in the Act shall have the same meaning respectively assigned to them in the Act.

3. As per Section 40(2) of the Real Estate (Regulation and Development) Act, 2016 read with Rule 22 of the Himachal Pradesh Real Estate (Regulation and Development Amendment) Rules, 2020 the orders passed by the Authority shall be enforced in the same manner as if it were a decree or an order, direction or decision passed/ made by a Civil Court. Section 40 of the Real Estate (Regulation and Development) Act, 2016 and Rule 22 of the Himachal Pradesh Real Estate (Regulation and Development Amendment) Rules, 2020 are reproduced as under:

**Section 40. Recovery of interest or penalty or compensation and enforcement of order, etc.—**

- (1) *If a promoter or an allottee or a real estate agent, as the case may be, fails to pay any interest or penalty or compensation imposed on him, by the adjudicating officer or the Regulatory Authority or the Appellate Authority, as the case may be, under this Act or the rules and regulations made there under, it shall be recoverable from such promoter or allottee or real estate agent, in such matter as may be prescribed as an arrears of land revenue.*
- (2) *If any adjudicating officer or the Regulatory Authority or the Appellate Tribunal, as the case may be, issues any order or directs any person to do any act, or refrain from doing any act, which it is empowered to do under this Act or the rules or regulations made there under, then in case of failure by any person to comply with such order or direction, the same shall be enforced, in such manner as may be prescribed.”*

**Rule 22- Recovery of interest, penalty and compensation and enforcement of order, direction or decision of Adjudicating Officer or the Authority or the Appellate Tribunal.”**

- (1) The recovery of the amounts due such as interest, penalty or compensation shall be recovered as arrears of land revenue in the manner provided under applicable local laws.
- (2) Every order, direction or decision passed/made by the Adjudicating Officer or the Authority or the Appellate Tribunal, as the case may be, under the Real Estate (Regulation and Development) Act, 2016 or rules and regulations made there under, shall be enforced by the Adjudicating Officer or the Authority or the Appellate Tribunal in the same manner as if it were a decree or an order, direction or decision passed/made by a Civil Court in a suit pending therein, and it shall be lawful for the

Adjudicating Officer or the Authority or the Appellate Tribunal, as the case may be, in the event of its inability to execute the order, direction or decision, to send such order, direction or decision to the Civil Court within the local limits of whose jurisdiction the real estate project is located to execute such order, direction or decision or to the Civil Court within the local limits of whose jurisdiction the person against whom the order, direction or decision is being issued, actually or voluntarily resides or carries on business or personally works for gain”.

**4. Filing of execution petitions:**—Section 40(1) of the Act of 2016 prescribes that for enforcing liability upon the promoter/allottee or a real estate agent with regard to payment of any interest or penalty imposed on him by the Authority, it is provided that the same shall be recoverable from that person as arrears of land revenue. So, Section 40 of the Act of 2016 has to be read with this regulation in order to recover the amount due from the promoter or an allottee or a real estate agent, as the case may be, by filing an execution petition under Section 51 read with Order 21 Rule 10 Code of Civil Procedure, 1908 in the prescribed performa (Form E1). It is provided under rule 22(1) of the said rules that *the recovery of the amounts due such as interest, penalty or compensation shall be recovered as arrears of land revenue in the manner provided under applicable local laws*. Since the amount due against a promoter or allottee or a real estate agent is to be recovered as arrears of land revenue by following the provisions of the Himachal Pradesh Land Revenue Act, 1954, so a recovery certificate to the Collector of the concerned district (Appendix-II) is to be issued by the Authority, as the case may be.

The second situation is with regard to enforcement of orders or directions passed by the Authority as provided under section 40(2) of the Act of 2016 read with Rule 22 of the Himachal Real Estate (Regulation and Development Amendment) Rules, 2020. The rule 22 (2) provides that, *“Every order, direction or decision passed/made by the Adjudicating Officer or the Authority or the Appellate Tribunal, as the case may be, under the Real Estate (Regulation and Development) Act, 2016 or rules and regulations made there under, shall be enforced by the Adjudicating Officer or the Authority or the Appellate Tribunal in the same manner as if it were a decree or an order, direction or decision passed/made by a Civil Court in a suit pending therein, and it shall be lawful for the Adjudicating Officer or the Authority or the Appellate Tribunal, as the case may be, in the event of its inability to execute the order, direction or decision, to send such order, direction or decision to the Civil Court within the local limits of whose jurisdiction the real estate project is located to execute such order, direction or decision or to the Civil Court within the local limits of whose jurisdiction the person against whom the order, direction or decision is being issued, actually or voluntarily resides or carries on business or personally works for gain”*.

Thus, for enforcement of the orders and directions passed by the Authority, as the case may be, a specific procedure as per provisions of Code of Civil Procedure is to be prescribed and the same is as under:

**4.1** After an order or direction or decision has been passed by the Authority in a case pending before it and the same is to be enforced, then the petitioner by filing a petition either personally before the Authority or do so through an authorized representative who may be a chartered accountant or company secretary or cost accountant or a legal practitioner or any of its officers (Section 56 of the Act of 2016). The name, mobile number and email of the person or agency through whom the petitioner wishes to be represented shall also be deemed to be the registered mobile number and registered email of the petitioner. A notice on such mobile number or email shall be deemed to be a proper service of notice to the petitioner. The Authority will send all communications to the petitioner as well as to his representative, but a notice/communication to any one of them will be deemed to be a proper notice/communication to the petitioner. (Order 21 Rule 10 CPC)

**4.2** The execution petition shall be filed before the Authority on plain paper in duplicate (along with the soft copy of petition in word format) plus copies in accordance with number of respondents in the format prescribed (Appendixes).

**4.3 (I)** The petition may be comprised of following:—

- (a) Index (Appendix III)
- (b) Brief facts (Appendix IV)
- (c) Proforma for execution as prescribed by the Authority (Form E1).
- (d) List of assets (movable or immovable) of the respondent/JD/company as well as its directors, if any by **decree holder** (Appendix V).
- (e) Calculation sheet of claim, if any, (Appendix VI)
- (f) Undertaking in assertion of claim as well as documents (Appendix) (VII)
- (g) Any other supporting documents (if any)
- (h) Relief sought (reproduce the content of the order/directions that have to be executed) (VIII)
- (i) Self attested copy of the final order/decreed

**(II)** The petition for execution should be in serial number.

**(III)** All the execution petitions should be filed as per the format given in the appendixes. The petition should be in accordance with given format after suitably modifying the same according to the facts of the case.

**4.4** All the petitions shall be examined by the office of the Authority to ensure that they are legible and in the prescribed format and all appendixes cited in the petition are duly annexed. A report shall be made by the office as to whether the decree/order to be executed is or not under challenge before the higher Authority and there is any stay to execute that order/decreed and the statutory period to file appeal has expired or not.

**4.5** The petitions may be filed personally or through an authorized person in the office of the Authority. In case, a petition is found to be in the prescribed format, the same shall be placed before the Authority for consideration. However, if it is not in the prescribed format, a communication shall be given regarding the deficiencies and the petitioner will be asked to rectify deficiencies within 15 days. Only a complete petition shall be deemed to be a petition received by the Authority for execution.

The execution petition may also be e-filed before this Authority under the prescribed “Form E1” after the process of e-filing is introduced by office of the Authority, which shall be governed by the same set of these regulations for the purpose of adjudication

**4.6** The Authorized officer shall prepare a register of the petitions received.

**4.7** The Authority shall consider the petition and upon finding a prima-facie case, may issue a notice to the respondent. The notice to the respondent shall be issued accordingly. However, if the decree is for payment of money, execution by detention in prison shall not be ordered unless after giving the judgment debtor an opportunity of show cause under Order 21 Rule 37 CPC (Annexure IX) as to why he should not be committed to prison.

**4.8** The notice to the respondent/judgment debtor shall be sent on registered email and registered phone number of the respondent available with the Authority in its database.

**4.9** Intimation of the notice issued to the respondent as well as of the date of hearing shall also be given to the petitioner on his mobile number or registered e-mail furnished to the Authority.

**4.10** The respondent/judgment debtor shall submit two copies of his reply. The respondent shall also send a copy of his reply to the petitioner. The Authorized officer shall place the petition along with the reply received from the respondent before the Authority. The reply to the execution petition may also be e-filed before this Authority after the process of e-filing is introduced by office of the Authority, which shall be governed by the same set of these regulations for the purpose of adjudication.

**4.11** In his reply, the respondent should specifically answer the assertions made by the petitioner and supported by documents or specifically deny the same. In case, the same are denied, the reasons and proof thereof must be given and documents, if any, in support of the assertions should be annexed.

**4.12** The reply of the respondent/Judgment Debtor shall be in the same format as prescribed for filing the petition. It may be comprised of the following parts:

- (i) Index
- (ii) Reply to the facts alleged by the petitioner. Any additional fact in the knowledge of the respondent/judgment debtor may be cited alongwith evidence.
- (iii) Reply to the calculation sheet submitted by the petitioner
- (iv) Any other submission of the respondent.
- (v) Reply to the relief sought by the petitioner.
- (vi) An undertaking in support of assertions as well as documents filed with the reply.

**4.13** Ordinarily, no adjournment to either of the party will be given. Adjournment can be granted when adequate justification is furnished otherwise; the adjournment shall be granted with cost which may be decided by the Authority depending upon facts and circumstances of the case.

**4.14** Every petition, application, reply, undertaking, annexures to petition or the reply etc. shall be legible, properly spaced and duly verified by the parties to the Execution petition.

**5.** The Authority can initiate suo moto execution proceedings for the recovery of refund, penalty, interest etc. For that purpose the Authority will issue the notice to the Judgment Debtor and follow the procedure given in this Regulation.

**6.** In case, any order or direction or decision to a person to pay certain amount passed by the Authority, and that person against whom such order/ directions etc. has been passed refuses/ denies

to pay that amount, then his movable property in execution of that order or decree as prescribed under Order 21 Rule 30 CPC (Appendix X) is liable to be attached by the Authority.

7. In case, any order or direction or decision to a person to put into possession the petitioner of a particular flat/building or commercial unit and who refuses to obey the same, the Authority may issue a warrant to give possession as per the provisions of Order 21 Rule 35 CPC (Appendix XI)

8. In case, any order or direction or decision for execution of decree by way of arrest and detention, the Authority may issue warrant of arrest as per provisions of Order 21 Rule 38 CPC (Appendix XII) and send that person to jail by preparing a warrant of committal as per provisions of Order 21 Rule 40 CPC (Appendix XIII)

9. In case, any order or direction or decision has been complied with by the judgment debtor and is lodged in the jail, he/she can be released by the Authority by issuance of an order as per Section 58 and 59 CPC (Appendix XIV).

10. In case, any order or direction or decision to the judgment debtor prohibiting him from transferring and creating any charge over some property, the Authority can pass an order as per the provisions of Order 21 Rule 54 CPC (Appendix XV)

11. In case, any order or direction or decision to the judgement debtor to be complied with or for payment of certain amount to the decree holder, the Authority can pass an order under Order 21 Rule 41(2) CPC by giving a direction to file an Undertaking of his assets (Appendix XVI)

12. In case, anywhere the decree is for payment of money, the Authority Officer can issue warrant of sale of the property under attachment to recover the amount due as per the provisions of Order 21 Rule 66 CPC (Appendix XVII 1 to 4)

13. In case, anywhere the attached property has been put to auction and sold, then the person in possession of that property can be prohibited from delivering that property to anyone except the auction-purchaser as per provisions of Order 21 Rule 79 CPC (Appendix XVIII)

14. In case, where the order or direction issued by the Authority is not complied with for whatever reasons may be, then a certificate of non-satisfaction of decree along with a certificate of execution of decree transferred to an another court as per the provisions of Order 21 Rule 6 CPC (Appendix XIX) and a precept as per the provisions of Section 46 CPC (Appendix XX) can be issued.

15. Orders passed by the Authority upon hearing will ordinarily be recorded and communicated to both the parties.

16. The orders passed by the Authority shall be issued and signed by the Authorized Officer of the Authority.

17. The Authority reserves the right to make any amendment in the regulations as and when required.

**(Dr. SHRI KANT BALDI),**  
*Chairperson (on behalf of the Authority)*  
*Real Estate Regulatory Authority, Himachal Pradesh.*



**"Form: E1"****BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH****Proforma for Execution****APPLICATION FOR EXECUTION OF DECREE/ORDER/DIRECTIONS**

I....., Decree-holder, hereby apply for execution of the order/directions herein-below setforth:—

<b>Sl. No.</b>	<b>Particulars/ Details of the Case</b>
1.	Complaint No.:—
2.	Name of Parties:—
3.	Date of final order & period within which order was to be complied:—
4.	Whether any appeal preferred from the date of decree, if applicant has knowledge, then full detail thereof:—
5.	Payment or adjustment made if any after order/ decree:—
6.	Previous execution application if any, with date and result thereof:-

7.	Recoverable amount with interest due upon the order:—
8.	Amount of cost if any awarded:—
9.	Against whom to be executed:—
10.	Mode in which the assistance is required.—
11.	Details of Annexures (attached with the Petition)
<p>I ....., declare that what is stated herein is true to the best of my knowledge and belief.</p> <p>Dated, the ..... day of ..... 20..... Signed.....</p> <p style="text-align: right;">Decree holder</p>	

**APPENDIX: II**

**BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH  
RECOVERY CERTIFICATE**

To,

The District Collector,

 District \_\_\_\_\_,  
 Himachal Pradesh.

Memo no.

Dated: \_\_/\_\_/\_\_\_\_

A sum of Rs. \_\_\_\_\_ is payable on account of refund/interest/  
 penalty etc. by \_\_\_\_\_ son of \_\_\_\_\_

resident of \_\_\_\_\_ who is believed to be  
 \_\_\_\_\_ to have property consisting of  
 \_\_\_\_\_ at your District.

Subject to the provisions of the Himachal Pradesh Land Revenue Act, 1954, the said sum is recoverable by you as if it were arrears of land revenue which accrued in your own District and you are hereby directed to recover it and to remit in the account of the Authority, *i.e.* Himachal Pradesh Real Estate Regulatory Authority having details as “Himachal Pradesh Real Estate Regulatory Authority Fund” bearing account No. “39624498226”, in State Bank of India, H.P. Secretariat Branch, Shimla, having IFSC Code SBIN0050204, either by an account payee cheque or by way of bank draft or through RTGS/ NEFT for payment to the petitioner/ Decree Holder/ Authority.

Authorized Officer,  
 H.P. Real Estate Regulatory Authority.

Encl: Copy of order dated \_\_\_\_\_

#### APPENDIX: III

#### BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH

It should indicate page numbers in the execution petition. An illustration for the index is given below:

#### Index

#### Applicant (name and address)

V/S

#### Respondent (Name and address)

Page No.	Content
1-2	Proforma for execution as prescribed under Form E1.
3	Brief facts
4	Relief sought
5	Undertaking
6	Copy of Final Order/ Decree/ Directions
7	Annexures

Signatures of Decree-holder/Petitioner

**APPENDIX: IV****BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH****BRIEF FACTS**

In this part, the petitioner should provide only relevant facts. The facts should be given briefly and in a logical manner so as to convey to the Authority as well as to the respondent the precise basis and nature of the grievance. The judgments and arguments should be avoided. All the facts and allegations must be refer-able to some document or some evidence, a copy of which should invariably form part of the petition. An execution petition not accompanied by relevant documents or evidence can be returned for correction by the Authority.

The petitioner must state all the facts which are in his knowledge to enable the respondent to reply to each one of them. Ordinarily, no further opportunity will be given to produce additional facts or documents unless; such facts or documents were not in the knowledge of the petitioner on the date of filing the petition. Relaxation, however, may be granted by the Authority in the interest of justice with or without costs depending on circumstances of the case.

**APPENDIX: V****BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH****LIST OF ASSETS (MOVABLE OR IMMOVABLE) OF THE RESPONDENT/JD/COMPANY AS WELL AS ITS DIRECTORS, IF ANY BY DECREE HOLDER**

A.B. ....Decree-holder

Versus

C.D. ....Judgment-debtor

I \_\_\_\_\_ of \_\_\_\_\_ state on Oath/solemn affirmation as follows:

1. Full name of Judgment Debtor \_\_\_\_\_(Block capitals)
2. Address details \_\_\_\_\_
3. The employment, trade or profession of the JD is that of \_\_\_\_\_  
Place of work \_\_\_\_\_

4. Present annual/monthly/weekly income, after paying income-tax (if any available with the Decree Holder) is as follows:—

- (a) From employment, trade or profession Rs. \_\_\_\_\_
- (b) From other sources Rs. \_\_\_\_\_

5. The JD possesses the following :—

- |                                  |                       |
|----------------------------------|-----------------------|
| (a) Banking accounts;            | (details to be given) |
| (b) Stocks and shares;           | (details to be given) |
| (c) Life and endowment policies; | (details to be given) |
| (d) House property;              | (details to be given) |
| (e) Other property;              | (details to be given) |
| (f) Other securities;            | (details to be given) |

Signatures of Decree Holder

\_\_\_\_\_

#### Appendix: VI

BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH

**Calculation Chart, if any, of the Decree-holder/petitioner(to be filed alongwith the Execution petition)**

Date: .....

Signatures of Decree-holder

**BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH**

**UNDERTAKING**

I \_\_\_\_\_ s/o \_\_\_\_\_, r/o \_\_\_\_\_ do hereby solemnly affirm and state as under:

1. That all the facts and submissions made in this petition are true and correct and nothing material has been concealed therein.
2. That no similar Execution petition is pending before any other Authority, Court of Law or any other Tribunal (if it is pending, the details thereof should be given).
3. No stay has been granted by any appellate Authority or the tribunal or the Court of Law against the order passed by the Authority.
4. The decree/order has been partly executed/ not been executed till date against the respondent.
5. A self-attested copy of AADHAR card of the deponent is annexed.

(DEPONENT/ DECREE HOLDER)

Verification:

The statement made by me above is true to the best of my knowledge and belief.

Date: .....

Place: .....

(DEPONENT/ DECREE HOLDER)

\_\_\_\_\_

BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH

**RELIEF SOUGHT (IN BRIEF IN THE EXECUTION PETITION)**

To get the order dated ..... executed through the Hon'ble Authority.

The operative part is the order is reproduced as under:—

“.....  
.....  
.....”

Signatures of the Decree-holder

\_\_\_\_\_

**APPENDIX: IX**

BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH

**NOTICE TO SHOW CAUSE AS TO WHY WARRANT OF ARREST SHOULD  
NOT BE ISSUED**

(O. 21, R. 37)  
(Title of the petition)

To

.....

s/o.....

r/o .....

Whereas..... s/o .....i.e. the petitioner has moved an application to this Authority for execution of decree in petition No. ....of 20\_\_\_, by arrest and imprisonment of your person. You are hereby required to appear before this Authority on the ..... day of ..... 20\_\_\_\_\_, to show cause why you should not be committed to the civil prison in execution of the said decree.

Issued today this \_\_\_\_\_ day of \_\_\_\_\_, 2020 under my signatures & seal.

Authorized Officer,  
H.P. Real Estate Regulatory Authority.

BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH

**WARRANT OF ATTACHMENT FOR MOVABLE PROPERTY IN EXECUTION OF A  
DECREE FOR MONEY AS ORDERED BY THE AUTHORITY.**

(Title of the petition)

To

Whereas.....(Name of Respondent) was ordered by decree of this Authority passed on the day of ..... 20....., petition No. .... of 20....., to pay/ remit in the account of the petitioner/ Decree Holder..... or Authority, *i.e.* Himachal Pradesh Real Estate Regulatory Authority having details as “Himachal Pradesh Real Estate Regulatory Authority Fund” bearing account no. “39624498226”, in State Bank of India, HP Secretariat Branch, Shimla, the sum of Rs. .... as noted in the margin; and whereas the said sum of Rs. .... has not been paid; These are to command you to attach the movable property of the said..... son of ..... resident of .....as set forth in the schedule hereunto annexed, or which shall be pointed out to you by the said petitioner....., and unless the said respondent/judgment-debtor shall pay to you the said sum of Rs. .... together with Rs. .... besides the cost of this attachment, to hold the same until further orders from this Authority.

You are further commanded to return this warrant on or before the ..... day of ..... 20\_\_\_, with an endorsement certifying the day on which and manner in which it has been executed, or why it has not been executed.



## Schedule of the Property

Issued today this \_\_\_\_\_ day of \_\_\_\_\_, 2020 under my signatures & seal.

Authorized Officer,  
H.P. Real Estate Regulatory Authority.

Decree/ Order			
Principal/ Refund			
Interest			
Costs			
Penalty			
Cost of execution			
Further interest			
Total			

## APPENDIX: XI

BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH

## WARRANT OF AUTHORIZATION TO GIVE POSSESSION OF LAND, ETC.

(O. 21, R. 35 CPC)  
(Title of the petition)

To

\_\_\_\_\_.

Whereas the under mentioned property is in the occupancy of . . . . . son of . . . . . resident of . . . . . and has been decreed to be given possession to . . . . . son of . . . . . resident of . . . . . i.e. the petitioner in this petition; You are hereby directed to put the said petitioner . . . . . in possession of the same, and you are hereby authorized to remove any person bound by the decree who may refuse to vacate the same.

GIVEN under the direction and seal of the Authority, this . . . . . day . . . . . 20\_\_

Schedule of the Property to be given possession.

.....  
.....

Issued today this \_\_\_\_\_ day of \_\_\_\_\_, 2020 under my signatures & seal.

Authorized Officer,  
H.P. Real Estate Regulatory Authority.

**BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH****WARRANT OF ARREST IN EXECUTION**

(O. 21, R. 38 CPC)  
(Title of the petition)

To

Superintendent of Police/Station House Officer/ Concerned Police Officer.

Whereas . . . . . (Name of respondent/JD) was adjudged by a decree of the Authority in petition No. . . . . of 19 . . . . , dated, the . . . . . day of . . . . . 19 . . . . , to pay to the decree-holder the sum of Rs. . . . . as noted in the margin, and whereas the said sum of Rs. . . . . has not been paid to the said decree-holder or/ and to Authority in satisfaction of the said decree. These are to command you to arrest the said judgment-debtor and unless the said judgment-debtor should pay to you the said sum of Rs. . . . . together with Rs. . . . . for the cost of executing this process, to bring the said respondent before the Authority with all convenient speed.

You are further commanded to return this warrant on or before the . . . . . day of . . . . . .20\_\_ with an endorsement certifying the day on which and manner in which it has been executed, or the reason why it has not been executed.

Issued today this \_\_\_\_\_ day of \_\_\_\_\_, 2020 under my signatures & seal.

Authorized Officer,  
H.P. Real Estate Regulatory Authority.

Decree/ Order			
Principal/ Refund			
Interest			
Costs			
Penalty			
Execution			
Total			

**BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH****WARRANT OF COMMITTAL OF JUDGMENT-DEBTOR TO JAIL**

(O. 21, R. 40 CPC)  
(Title of the petition)

To

The Officer in charge of the Jail/Superintendent of Jail.

.....

Whereas . . . . .son of .....resident of ..... who has been brought before this Authority this . . . . . day of . . . . . 20\_\_\_\_. . . . , under a warrant in execution of a decree which was made and pronounced by the said Authority on the . . . . . day of . . . . . 20\_\_\_\_, and by which decree, it was ordered that the said judgment-debtor. . . . . should pay . . . . . ; And whereas the said judgment-debtor . . . . . has not obeyed the decree nor satisfied the Authority that he is entitled to be discharged from custody; You are hereby commanded and required to take and receive the said judgment-debtor . . . . . into the civil prison and keep him imprisoned therein for a period not exceeding . . . . . or until the said decree shall be fully satisfied, or the said judgment-debtor . . . . . shall be otherwise entitled to be released according to terms and provisions of Section 58 of the Code of Civil Procedure, 1908; and the Authority does hereby fix Rs. ....per diet as the rate of the monthly allowance for the subsistence of the said judgment-debtor ..... during his confinement under this warrant of committal.

Issued today this \_\_\_\_\_ day of \_\_\_\_\_, 2020 under my signatures & seal.

Authorized Officer,  
H.P. Real Estate Regulatory Authority.

\_\_\_\_\_

**APPENDIX: XIV**

BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH

**ORDER FOR THE RELEASE OF A PERSON IMPRISONED IN EXECUTION OF A  
DECREE (SECTIONS 58, 59 CPC)**

(Title of the petition)

To

The Officer in charge of the Jail/Superintendent of Jail

.....

Under orders passed this day by the Authority, you are hereby directed to set free . . . . .son of .....resident of .....respondent/judgment-debtor now in your custody ..... ( on grounds as specified)

Dated. ....

Authorized Officer,  
H.P. Real Estate Regulatory Authority.

**BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH****ATTACHMENT IN EXECUTION****PROHIBITORY ORDERS, WHERE THE PROPERTY CONSISTS OF  
IMMOVABLE PROPERTY**(O. 21, R. 54 CPC)  
(Title of the petition)

To

.....  
s/o .....  
r/o .....

Respondent.

Whereas you have failed to satisfy a decree passed against you on the ..... Day of \_\_\_\_\_ in petition No. .... of 20\_\_\_\_, in favour of petitioner .....for Rs. ....; It is ordered that you, the said judgment-debtor ..... be, and you are hereby, prohibited and restrained, until the further orders of the Authority, from transferring or charging the property specified in the schedule hereunto annexed, by sale, gift or otherwise, and that all person be, and that they are hereby, prohibited from receiving the same by purchase, gift or otherwise.

It is also ordered that you should attend the Authority on the ..... Day of ..... 20\_\_\_\_ to take notice of the date fixed for setting the terms of the proclamation of sale.

Issued today this \_\_\_\_\_ day of \_\_\_\_\_, 2020 under my signatures & seal.

Sd/-  
Authorized Officer,  
H.P. Real Estate Regulatory Authority.

Schedule of the Property

.....

\_\_\_\_\_

**APPENDIX: XVI****BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH****UNDERTAKING OF ASSETS TO BE MADE BY A JUDGMENT-DEBTOR****(SELF ATTESTED)**

[Order XXI, Rule 41(2) CPC]

A.B .....

Decree-holder.

vs.

C .....

Judgment-debtor.

I . . . . . s/o . . . . . r/o . . . . . solemnly on affirmation  
declare as under:—

1. My full name is . . . . . (Block Capitals)
2. I live at . . . . .
3. I am married/single/widower (widow)/divorced
4. The following persons are dependent upon me:—
5. My employment, trade or profession is that of carried on by me at
6. I am a director of the following companies:—
7. My present annual/monthly/weekly income, after paying income-tax, is as follows:—
  - (a) From my employment, trade or profession Rs.
  - (b) From other sources Rs.
8. (a) I own the house in which I live; its value is Rs.  
I pay as outgoings by way of rates, mortgage, interest, etc., the annual sum of Rs.  
(b) I pay as rent the annual sum of Rs. . . . .
9. I possess the following:—

Banking accounts;  
Stocks and shares;

- (a) Life and endowment policies; give particulars.
- (b) House property;
- (c) Other property;
- (d) Other securities;
10. The following debts are due to me:— (give particulars)
  - (a) \_\_\_\_\_
  - (b) \_\_\_\_\_

(Judgment Debtor)

That the above particulars given by me are correct to the best of my knowledge and belief.

Date: . . . . .

Place: . . . . .

(Judgment Debtor)

**BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH**  
**WARRANT OF SALE OF PROPERTY IN EXECUTION OF A DECREE FOR MONEY**

(O. 21, R. 66 CPC)

(Title of the petition)

To

\_\_\_\_\_.

These are to command you to sell by auction, after giving ..... days' previous notice, by affixing the same in the Authority complex, and after making due proclamation, the ..... property attached under a warrant from this Authority, dated the ..... day of ..... 20\_\_\_, in execution of a decree in favour of ..... in petition No. .... of 20\_\_\_, or so much of the said property as shall realize the sum of Rs. .... being the ..... of the said decree and costs still remaining unsatisfied.

You are further commanded to return this warrant on or before the ..... day of ..... 20\_\_\_, with an endorsement certifying the manner in which it has been executed, or the reason why it has not been executed.

Issued today this \_\_\_\_\_ day of \_\_\_\_\_, 2020 under my signatures & seal.

Schedule of Property to be auctioned

.....  
 .....

Sd/-  
 Authorized Officer,  
 H.P. Real Estate Regulatory Authority.

\_\_\_\_\_

APPENDIX: XVII/I

**BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH**  
**NOTICE OF THE DAY FIXED FOR SETTLING A SALE PROCLAMATION**  
**(O. 21, R. 66 CPC)**

(Title of the petition)

To

.....

son of .....  
 resident of .....

Judgment-debtor.

Whereas in the above-named petition (name of the petitioner), the decree-holder, has applied for the sale of property(details) ..... ; you are hereby informed .....that the .....day of ..... 20\_\_\_, has been affixed for settling the terms of the proclamation of sale.

Issued today this \_\_\_\_\_ day of \_\_\_\_\_, 2020 under my signatures & seal.

Sd/-  
Authorized Officer,  
H.P. Real Estate Regulatory Authority.

#### APPENDIX: XVII/II

### BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH

#### PROCLAMATION OF SALE

(O. 21, R. 66 CPC)  
(Title of the petition)

Petition No. .... of 20\_\_\_, decided by the ..... of ..... in which was .....son of ..... was the petitioner and .....son of .....was respondent.—Notice is hereby given that, under rule 64 of Order XXI of the Code of Civil Procedure, 1908, an order has been passed by this Authority for the sale of the attached property mentioned in the annexed schedule, in satisfaction of the claim of the decree-holder in the petition (1) mentioned in the margin, amounting with costs and interest up to date of sale to the sum of. ....

The sale will be by public auction, and the property will be put up for sale in the lots specified in the schedule. The sale will be of the property of the judgment-debtor above-named as mentioned in the schedule below; and the liabilities and claims attaching to the said property, so far as they have been ascertained, are those specified in the schedule against each lot.

In the absence of any order of postponement, the sale will be held by ..... at the monthly sale commencing at ..... O'clock on the ..... at ..... In the event, however, of the debt above specified and of the costs of the sale being tendered or paid before the knocking down of any lot, the sale will be stopped.

At the sale, the public is generally invited to bid, either personally or by duly authorized agent. No bid by, or on behalf of, the judgment-creditors above-mentioned, however, will be accepted, nor will any sale to them be valid without the express permission of the Authority previously given. The following are the further Conditions of sale:—The particulars specified in the schedule below have been stated to the best of the information of the Authority, but the Authority will not be answerable for any error, misstatement or omission in this proclamation.

1. The amount by which the biddings are to be increased shall be determined by the officer conducting the sale. In the event of any dispute arising as to the amount bid, or as to the bidder, the lot shall at once be again put upto auction.

2. The highest bidder shall be declared to be the purchaser of any lot, provided always that he is legally qualified to bid, and provided that it shall be in the discretion of the Authority or officer holding the sale to decline acceptance of the highest bid when the price offered appears so clearly inadequate as to make it advisable to do so.

3. For reasons recorded, it shall be in the discretion of the officer conducting the sale to adjourn it subject always to the provisions of rule 69 of Order XXI.

4. In the case of movable property, the price of each lot shall be paid at the time of sale or as soon after as the officer holding the sale directs, and in default of payment the property shall forthwith be again put up and re-sold.

5. In the case of immovable property, the person declared to be the purchaser shall pay immediately after such declaration a deposit of 25 per cent. On the amount of his purchase-money to the officer conducting the sale, and in default of such deposit the property and forthwith be put up again and re-sold.

6. The full amount of the purchase-money shall be paid by the purchaser before the Authority closes on the fifteenth day after the sale of the property, exclusive of such day, or if the fifteenth day be a Sunday or other holiday, then on the first office day after the fifteenth day.

7. In default of payment of the balance of purchase-money within the period allowed, the property shall be resold after the issue of a fresh notification of sale. The deposit, after defraying the expenses of the sale, may, if the Authority thinks fit, be forfeited to Government and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may be subsequently sold.

(i) Schedule of Property/ Details

.....  
.....

(ii) No. of Plots.

.....

(iii) Description of property to be sold, with the name of each owner where there are more judgment-debtors than one.

.....  
.....

(iv) The revenue assessed upon the estate or part of the estate, if the Property to be sold is an interest in estate or a part of an estate paying revenue to Government

.....

(v) Detail of any encumbrances to which the property is liable.

.....

(vi) Claims, if any, which have been put forward to the property and any other known particular bearing on its nature and value.

.....

(vii) The value of the property as stated by the decree holder.

.....

(viii) The value of the property as stated by the judgment-debtor



Issued today this \_\_\_\_\_ day of \_\_\_\_\_, 2020 under my signatures & seal.

Sd/-  
Authorized Officer,  
H.P. Real Estate Regulatory Authority.

#### APPENDIX: XVII/III

### BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH

#### ORDER FOR CAUSING SERVICE OF PROCLAMATION OF SALE

(O. 21, R. 66 CPC)  
(Title of the petition)

To

Whereas an order has been made for the sale of the property of the judgment-debtor specified in the schedule hereunder annexed, and whereas the .....day of ..... 2020, has been fixed for the sale of the said property, copies of the proclamation of sale are by this warrant made over to you, and you are hereby ordered to have the proclamation published within each of the properties specified in the said schedule, to affix a copy of the said proclamation on a conspicuous part of each of the said properties and afterwards on the Authority Complex, and then to submit to this Authority a report showing the dates on which and the manner in which the proclamations have been published.

Date ..... day of ..... 20\_\_.

Schedule of the Property to be auctioned.

.....

.....

Sd/-  
Authorized Officer,  
H.P. Real Estate Regulatory Authority.

#### Appendix: XVIII

### BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH

#### NOTICE TO PERSON IN POSSESSION OF MOVABLE PROPERTY SOLD IN EXECUTION

(O. 21, R. 79 CPC)  
(Title of the petition)

To

.....

son of .....

resident of .....

Whereas.....s/o.....r/o..... has become the purchaser at a public sale in execution of the decree in the above petition of .....now in your possession. You are hereby prohibited from delivering possession of the said property ..... to any person except the said.....

Issued today this \_\_\_\_\_ day of \_\_\_\_\_, 2020 under my signatures & seal.

Schedule of the Property

.....

.....

Sd/-

Authorized Officer,  
H.P. Real Estate Regulatory Authority.

\_\_\_\_\_

**APPENDIX: XIX****BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH****ORDER SENDING DECREE FOR EXECUTION TO ANOTHER COURT**

(O. 21, R. 6 CPC)

(Title of the petition)

Whereas the decree-holder in the above petition has applied to this Authority for a certificate to be sent to the Court of..... at .....for execution of the decree in the above petition by the said Court, alleging that the judgment-debtor resides or has property within the local limits, of the jurisdiction of the said Court, and it is deemed necessary and proper to send a certificate to the said Court under Order XXI, rule 6, of the Code of Civil Procedure, 1908, it is ordered :

That a copy of this order be sent to (name of the Court) ..... with a copy of the decree and of any order which may have been made for execution of the same and a certificate of non-satisfaction.

Dated .....day of .....20\_\_\_\_,

Sd/-

Authorized Officer,  
H.P. Real Estate Regulatory Authority.

BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH

**PRECEPTS**

(Section 46 CPC)  
(Title of the petition)

Upon hearing the decree-holder, it is ordered that this precept be sent to the Court of ..... at ..... under section 46 of the Code of Civil Procedure, 1908, with directions to attach the property specified in the annexed schedule and to hold the same pending any application which may be made by the decree-holder for execution of the decree.

Schedule of the property to be attached.

\_\_\_\_\_  
\_\_\_\_\_

Dated \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Sd/-  
Authorized Officer,  
H.P. Real Estate Regulatory Authority.

